

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE #

ROW #

C15-2011-0061

10584923

TP-0133070127

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: ~~5800, 5801, 5805, 5809, 5813, 5817, 5821, 5825, 5828, 5829~~
5800 - 5829 Gentle Breeze Terrace

LEGAL DESCRIPTION: Subdivision - Lot's 11, 19, 20, 21, 22, 23, 24, 25, 26, 27

Lot(s) _____ Block A Outlot _____ Division _____

☒ We _____ on behalf of myself/ourselves as authorized agent for
_____ affirm that on _____, _____,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT _____ ATTACH _____ COMPLETE _____ REMODEL _____ MAINTAIN _____

A 1170 linear foot, 8 ft wooden
privacy fence on the rear property line

in a SF-2 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

5800-0133070127

5801-0128

5805-0129

5809-0130

5813-0131

5817-0132

5821-0135070901

5825-0902

5828-0804

5829-0903

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

See Attached

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

See attached

- (b) The hardship is not general to the area in which the property is located because:

See attached

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

See attached

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Michael K. Stabenfeldt Mail Address 5801 Gentle Breeze

City, State & Zip Austin TX 78731

Printed Michael K. Stabenfeldt Phone 512-407-8919 Date 4/22/11

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed David Stajarski Mail Address 5801 Gentle Breeze

City, State & Zip Austin TX 78731

Printed David Stajarski Phone 7855016 Date 4/22/11

Mesa Valley HOA Fence/ Findings of Fact

Reasonable Use

1. *The zoning regulations applicable to the property do not allow for a reasonable use because:*

Section 25-2-899, Subsection 8 states that " A solid fence along a property line may be constructed to a maximum height of eight (8) feet if each owner of the property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:

- (1) There is a change of grade of at least two feet within 50 feet of the boundary between each properties; or
- (2) A structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to hazardous situation, including a swimming pool.

There is a grade change in excess of 30 feet from the intersection of Cross Valley Drive to the intersection of Mesa and 2222. The steep downhill slope allows glare from street lights and vehicular headlights to shine directly into the backyards and back portion of the seven single family homes that directly abut the ROW. Mesa Drive serves as the primary ingress and egress for this densely developed section of Northwest Hills and is heavily traveled. The proposed eight (8) foot fence will reduce noise and provide additional screening and a degree privacy normally enjoyed by single family development that abuts a residential collector of this type.

To the south there is a three story office building that is the headquarters for the Texas Alcoholic Beverage Commission. This building was built in the early 1980's prior to annexation and preceded the single family development; therefore Compatibility Standards are not in force and effect. The attached aerial demonstrates the proximity of the surface parking lot to Lots 21, 20 and 19. Additionally there is a cluster of utility boxes at the corner of Lot 21 which would enable a child to climb the existing six foot fence. The location of these boxes has been noted on the plat and photographs are attached. Correspondence from the adjacent commercial property owner consenting to the construction of an eight foot fence has been included in the submittal packet as well as a list of the owners of the affected lots in the subdivision.

It wasn't until we attempted to obtain a building permit that we learned that the City of Austin is considered an adjacent property owner. We were informed we would have to obtain a variance due to City of Austin's policy. We hope the Board will take into consideration our proximity to the adjacent commercial property, the steep grade of Mesa Drive, the utility boxes and our efforts to meet the conditions set forth in the Code to obtain a permit to build the fence.

HARDSHIP

2. *(a) The hardship for which the variance is requested is unique to the property in that:*

The buildable area of the property across the street is on the "inside" curve and has no access to Mesa Drive. This development is not affected by the same conditions due to way the property slopes and the location of the buildings. Our subdivision is the only single family development in the area that abuts commercial office development. Compatibility Standards for spacing and screening required between commercial and single family development are non-existent and cannot be met.

- (b) The hardship is not general to the area in which the property is located because:*

This is the last single family subdivision on Mesa Drive before it intersects with 2222. Unlike the surrounding single family development we are located adjacent to a commercial office building.

AREA CHARACTER

3. *The variance will not alter the character of the area adjacent to the property, will not impair the use of the adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:*

Unlike many of other single family developments in the area the back property line of our subdivision abuts Mesa Drive. Attached you will find photographs which illustrate that the majority of houses in the immediate area face Mesa Drive which means they are set back further from street and generally sit at a higher elevation than the roadway. Our subdivision is oriented around Quiet Breeze Terrace which is a cul-de-sac. The eight foot fence will replace the individual six foot fence line that exists today and will not alter the character of the area. The fence does not interfere with line of sight for vehicular traffic and the steep downhill grade on which the fence will be built should visually diminish the additional two feet in height. Finally, the criteria set forth in 25-2-899 acknowledge and permit the additional height provided there is sufficient change in grade, property owner consent and utility boxes which enable a child to climb a six foot fence.

We respectfully request that the Board grant our variance request.

§ 25-2-899 FENCES AS ACCESSORY USES.

(A) Except as otherwise provided in this chapter, a fence:

- (1) is permitted as an accessory use in any zoning district; and
- (2) must comply with the requirements of this section.

(B) In this section:

(1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and

(2) a solid fence is a fence other than an ornamental fence.

(C) The height restrictions of this section do not apply to an ornamental fence.

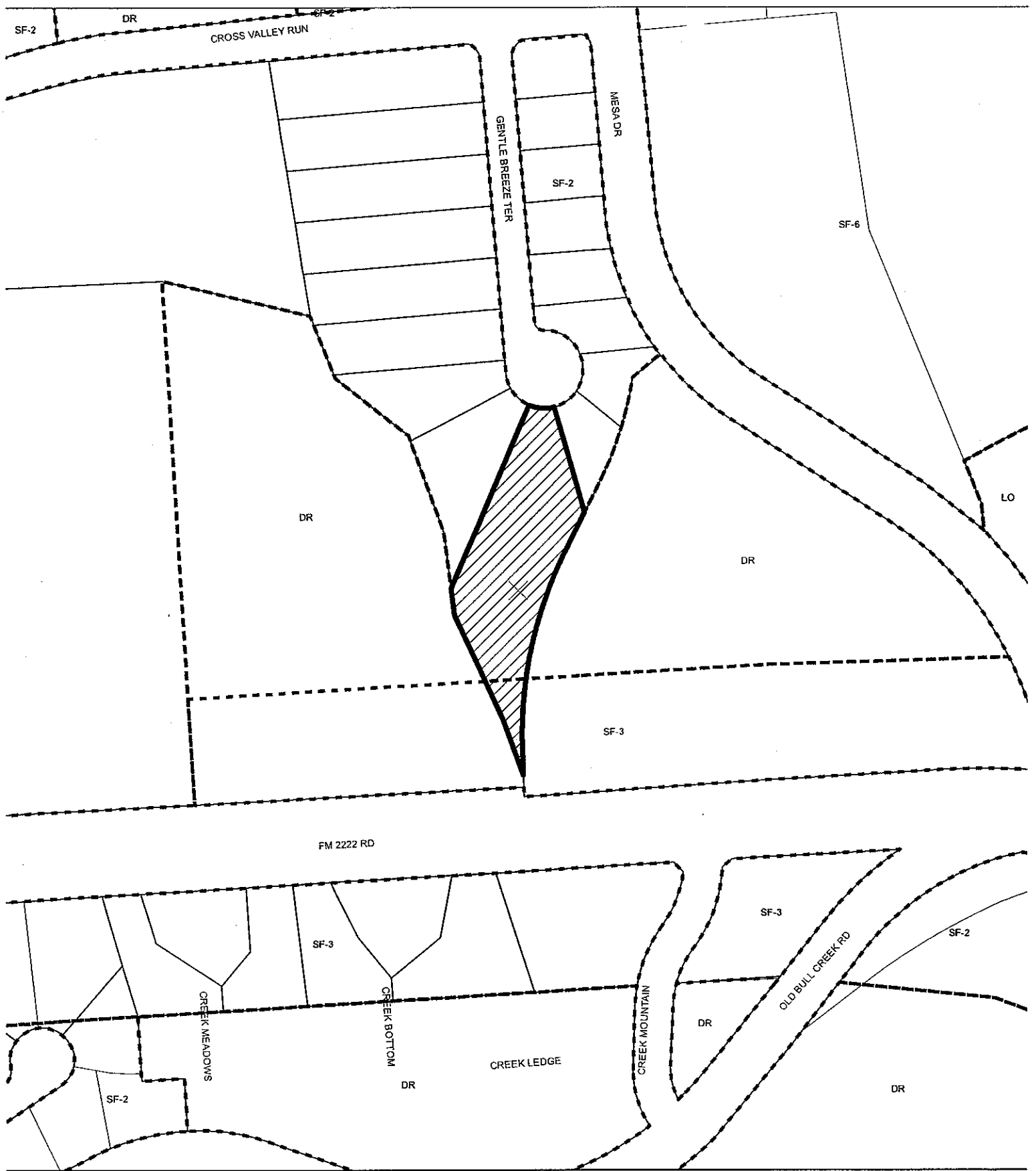
(D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.



(E) A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:

(1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or

(2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

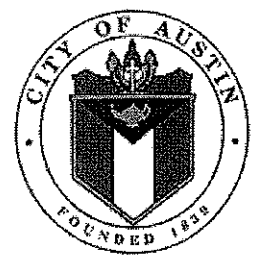
(F) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.



-  SUBJECT TRACT
-  ZONING BOUNDARY

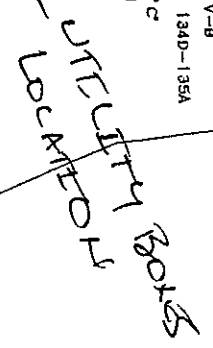
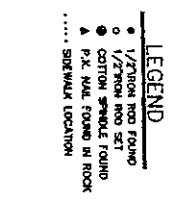
BOARD OF ADJUSTMENTS

CASE#: C15-2011-0061
 LOCATION: 5800 GENTLE BREEZE TERRACE
 GRID: G28
 MANAGER: S. WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

00009404383



NORTHWEST HILLS
LAKEVIEW V-B
BOOK 84
PAGES 134D-135A
BLOCK 'N'
LOT 3

NORTHWEST HILLS
LAKEVIEW V-B
BOX 84, PAGES 134D-135A

LINE TABLE

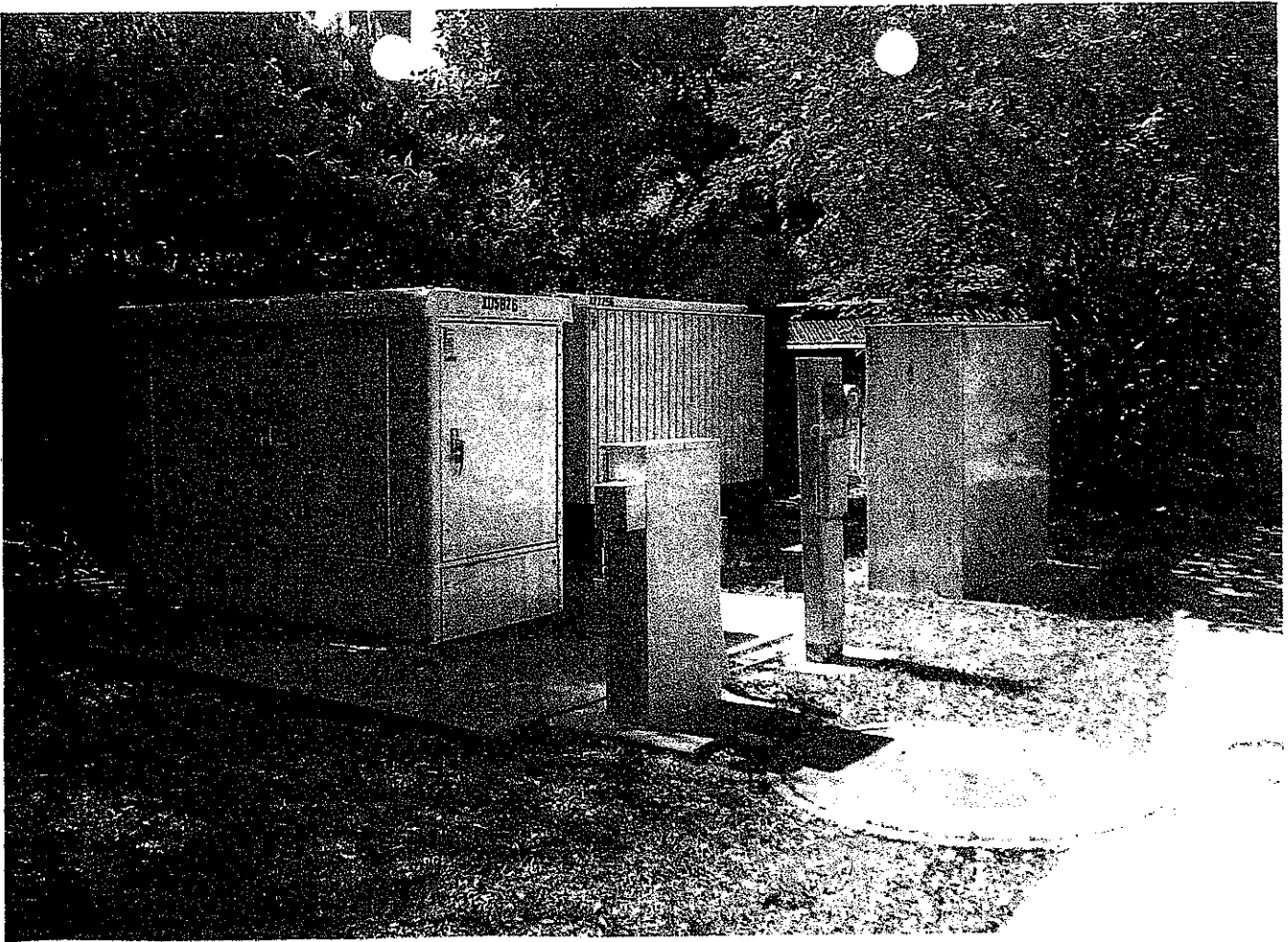
No	Reaction	Duration
1	H ₂ O ₂ + O ₂	28.58
2	H ₂ O ₂ + H ₂	31.22
3	H ₂ O ₂ + H ₂	44.72
4	H ₂ O ₂ + O ₂	16.05
5	H ₂ O ₂ + O ₂	20.48
6	H ₂ O ₂ + O ₂	16.45
7	H ₂ O ₂ + O ₂	8.97
8	H ₂ O ₂ + O ₂	70.55

Bury+Pittman

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.





UTILITY BOXES LOCATED ON COMMERICAL TRACT BEHIND LOT 21

